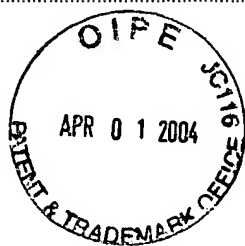


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Emini, Emilio A. et al.

Serial No. 10/645,187

Filed: August 21, 2003

For: ADENOVIRUS SEROTYPE 34 VECTORS, NUCLEIC
ACIDS AND VIRUS PRODUCED THEREBYArt Unit: 1632

Examiner: _____

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR 1.97

Sir:

1. In compliance with 37 C.F.R. 1.97, submitted on the attached form herewith is a list of patents, publications or other information which are requested to be made of record in this application. This Information Disclosure Statement is not an admission that any patent, publication or other information referred to herein is "prior art" for this invention. In accordance with 37 C.F.R. 1.97(h), the filing of this Information Disclosure Statement shall not be construed to be an admission that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. 1.56(b).

2. In accordance with 37 C.F.R. 1.97(g), the filing of this Information Disclosure Statement shall not be construed to mean that a search has been made.

3. Applicants respectfully request that the Examiner initial the attached form after reviewing the pertinence of each reference.

4. Pursuant to the waiver by the Office of the requirement under 37 CFR 1.98 (a)(2)(i) dated July 11, 2003, if the filing date of this application is after June 30, 2003, copies of each cited U.S. patent and each U.S. patent application publication are not enclosed herewith.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, on the date appearing below.

MERCK & CO., INC.

By _____

Date

March 30, 2004

**INFORMATION DISCLOSURE STATEMENT**

5. Pursuant to 37 C.F.R. 1.98(d), copies of references listed on the attached form that were submitted to or cited by the Office in a related application upon which the instant application relies for an earlier filing date under 35 U.S.C. 120 are not enclosed. Related application(s) in which references were submitted to or cited by the Office are as follows:

RELATED APPLICATION		
U. S. SERIAL NUMBER	FILING DATE	MERCK CASE

If this is inconvenient, additional copies will be submitted upon request.

6. In accordance with 37 C.F.R. 1.97, (check one)

- ☐ the attached information is filed within three months of the filing date of the captioned case.
- ☒ the attached information is filed more than three months after the filing date but prior to the mailing of a first Office Action on the merits.
- ☐ the attached information is being filed more than three months after the filing date and after the mailing of a first Office Action on the merits, but before the mailing date of a Final Action or Notice of Allowance. The enclosed authorization is therefore given to charge Deposit Account No. 13-2755 for the fee required under 37 C.F.R. 1.17(p).
- ☐ the undersigned certifies that each item of information contained in this Information Disclosure Statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Statement.
- ☐ the undersigned certifies that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, was known to any individual designated under 37 C.F.R. 1.56(c) more than three months prior to the filing of this Statement.

Respectfully submitted,

By: Anna L. Cocuzzo

Attorney _____ For Applicant(s)

Reg. No. 42,452

MERCK & CO., INC.

Patent Dept., RY60-30

P.O. Box 2000

Rahway, N.J. 07065-0907

(732)594-1273

Date: March 30, 2004

STATEMENT BY APPLICANT

(use as many sheets as necessary)

1

of

4

COMPLETE IF KNOWN.

Application Number	10/645,187
---------------------------	------------

Filing Date	August 21, 2003
--------------------	-----------------

First Named Inventor	Emini, Emilio A. et al.
-----------------------------	-------------------------

Group Art Unit	1632
----------------	------

Examiner Name

Attorney Docket Number	21390
------------------------	-------

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No.	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY
		Office	Number	Kind Code (if known)		
		WO	04/18627		Merck & Co., Inc.	03/04/2004
		WO	03/104467		Crucell Holland B.V.	12/18/2003
		WO	00/70071		Introgene B.V.	11/23/2000
		WO	98/53087		Cornell Research Foundation, Inc.	11/26/1998
		WO	02/22080		Merck & Co., Inc.	03/21/2002
		WO	01/02607		Merck & Co., Inc.	01/11/2001
		WO	01/45748		Merck & Co., Inc.	06/28/2001
		WO	01/43693		Merck & Co., Inc.	06/21/2001
		WO	98/34640		Merck & Co., Inc.	08/13/1998
		WO	97/48370		Merck & Co., Inc.	12/24/1997

Examiner
Signature

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(use as many sheets as necessary)

COMPLETE IF KNOWN

Application Number	10/645,187
Filing Date	August 21, 2003
First Named Inventor	Emini, Emilio A. et al.
Group Art Unit	1632
Examiner Name	

Sheet	2	of	4	Attorney Docket Number	21390
-------	---	----	---	------------------------	-------

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

**Examiner
Signature**

Date
Considered

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			COMPLETE IF KNOWN		
			Application Number	10/645,187	
			Filing Date	August 21, 2003	
			First Named Inventor	Emini, Emilio A. et al.	
			Group Art Unit	1632	
			Examiner Name		
Sheet	3	of	4	Attorney Docket Number	21390

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Hierholzer, J. et al. "Antigenic relationships among the 47 human adenoviruses determined in reference horse antisera", Archives of Virology, 1991, Vol. 121, pp. 179-197
		Hierholzer, J. et al. "New Human Adenovirus Isolated From a Renal Transplant Recipient: Description and Characterization of Candidate Adenovirus Type 34", Journal of Clinical Microbiology, 1975, Vol. 1, pp. 366-376
		Mei, Y. et al. "Highly Heterogeneous Fiber Genes in Two Closely Related Adenovirus Genome Types Ad35p and Ad34a", Virology, 1995, Vol. 206, pp. 686-689
		GenBank Accession No. U52571, May 19, 1996
		GenBank Accession No. U10271, May 12, 1995
		ATTC No. VR-716
		Abrahamsen, K. et al. "Construction of an Adenovirus Type 7a E1A-Vector", Journal of Virology, 1997, Vol. 71, pp. 8946-8951
		Allard, A. et al. "Rapid Typing of Human Adenoviruses by a General PCR Combined with Restriction Endonuclease Analysis", Journal of Clinical Microbiology, 2001, Vol. 39, pp. 498-505
		Brody, S. et al. "Adenovirus-Mediated in Vivo Gene Transfer", Annals of the New York Academy of Sciences, 1994, Vol. 716, pp. 90-101
		Chen, M. et al. "Replication of an Adenovirus Type 34 Mutant DNA Containing Tandem Reiterations of the Inverted Terminal Repeat", Virology, 1990, Vol. 179, pp. 567-575
		De Jong, J. et al. "Adenoviruses from Human Immunodeficiency Virus-Infected Individuals, Including Two Strains That Represent New Candidate Serotypes Ad50 and Ad51 of Species B1 and D, Respectively", Journal of Clinical Microbiology, 1999, Vol. 37, pp. 3940-3945
		Hierholzer, J. et al. "Adenoviruses from Patients with AIDS: A Plethora of Serotypes and A Description of Five New Serotypes of Subgenus D (Types 43-47)", The Journal of Infectious Diseases, 1988, Vol. 158, pp. 804-813
		Hitt, M. et al. "Human Adenovirus Vectors for Gene Transfer into Mammalian Cells", Advances in Pharmacology, 1997, Vol. 40, pp. 137-206
		Horne, R. et al. "The Icosahedral Form of an Adenovirus", Journal of Molecular Biology, 1959, Vol. 1, pp. 84-86
		Horwitz, M. "Adenoviridae and Their Replication", Virology, Chapter 60, Second Edition, 1990, pp. 1679-1721

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(use as many sheets as necessary)</i>			COMPLETE IF KNOWN		
			Application Number	10/645,187	
			Filing Date	August 21, 2003	
			First Named Inventor	Emini, Emilio A. et al.	
			Group Art Unit	1632	
			Examiner Name		
Sheet	4	of	4	Attorney Docket Number	21390

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.	Include name of the author, title, date, page(s), volume-issue number(s) and place of publication.
		Kidd, A. et al. "Human and Simian Adenoviruses: Phylogenetic Inferences from Analysis of VA RNA Genes", Virology, 1995, Vol. 207, pp. 32-45
		Ma, Y. et al. "Structure, Function, and Evolution of Adenovirus-Associated RNA: a Phylogenetic Approach", Journal of Virology, 1996, Vol. 70, pp. 5083-5099
		Myers, G. et al. "Human Retroviruses and AIDS 1995 : A compilation and Analysis of Nucleic Acid and Amino Acid Sequences", 1995, Part II, A3-A19
		Schnurr, D. et al. "Two New Candidate Adenovirus Serotypes", Intervirology, 1993, Vol. 36, pp. 79-83
		Straus, S. "Adenovirus Infections in Humans", The Adenoviruses, 1984, pp. 451-498
		Takeuchi, S. et al. "Adenovirus Strains of Subgenus D Associated with Nosocomial Infection as New Etiological Agents of Epidemic Keratoconjunctivitis in Japan", Journal of Clinical Microbiology, 1999, Vol. 37, pp. 3392-3394
		GenBank Accession No. AB052911, December 26, 2000
		GenBank Accession No. AB018426, December 11, 1999
		GenBank Accession No. AF161573, February 13, 2001
		GenBank Accession No. AJ272610, January 5, 2001
		GenBank Accession No. AJ250786, January 6, 2001
		GenBank Accession No. AB073168, February 13, 2004
		GenBank Accession No. U10677, March 29, 1995
		GenBank Accession No. M62712, April 28, 1993

Examiner Signature		Date Considered	
--------------------	--	-----------------	--

*Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

SEND TO: Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. Computer generated form "IDS Form" (IDS Folder), Merck & Co., Inc., 09/05/2003